

In the United States Court of Federal Claims

No. 20-686

Filed: April 8, 2021

RAY, <i>et al.</i> ,)
)
)
Plaintiffs,)
)
v.)
)
THE UNITED STATES,)
)
Defendant.)
)

ORDER DISMISSING CASE

On June 8, 2020, plaintiffs filed a short-form complaint in this case. Plaintiffs' Original Complaint, ECF No. 1. In that Complaint, plaintiffs allege a Fifth Amendment taking of real and personal property without just compensation by the United States as a result of the release of water from the Addicks and Barker Reservoirs. *See generally id.*

On February 18, 2020, the Court issued its Opinion and Order in *In Re Downstream Addicks and Barker (Texas) Flood-Control Reservoirs v. United States*, Sub-Master Docket No. 17-9002, granting defendant's Motion to Dismiss and Cross-Motion for Summary Judgment and denying plaintiffs' Motion for Summary Judgment. Opinion and Order, Case No. 17-9002, ECF No. 203. In that Opinion and Order, the Court found that the State of Texas does not recognize a property interest in perfect flood control in the wake of an Act of God and that an Act of God cannot trigger Fifth Amendment takings liability. *See generally id.*

On September 10, 2020, the Court deemed plaintiffs' case "directly or indirectly related . . . to claims considered in *In Re Downstream Addicks and Barker (Texas) Flood-Control Reservoirs v. United States*, Sub-Master Docket No. 17-9002." Scheduling Order at 1, ECF No. 7. Consequently, the Court issued an Order to Show Cause, directing that "any plaintiff . . . that believes it has a claim that was not resolved by the Court's February 18, 2020 Opinion and Order shall **SHOW CAUSE** as to why its case should not be dismissed." *Id.* (quoting Scheduling Order and Order to Show Cause, Case No. 17-9002, ECF No. 208).

Plaintiffs have failed to file a response to the Court's Scheduling Order and Order to Show Cause by the October 13, 2020 deadline. *See id.* Accordingly, plaintiffs have failed to show cause and their case is hereby **DISMISSED**. The Clerk of Court is directed to enter judgment consistent with the above.

IT IS SO ORDERED.

s/ *Loren A. Smith*

Loren A. Smith,
Senior Judge